



NEWS RELEASE

*Office of the
United States Attorney
for the
District of Nebraska*
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May 18, 2010

United States Attorney Deborah R. Gilg and the Nebraska State Patrol announce the following information for the attention of the media:

Event Triggering this Release:

Terry Ray Bain, 55, was sentenced on May 17, 2010, for conspiracy to possess and transport stolen property and for being a felon in possession of a firearm. The Honorable Laurie Smith Camp sentenced Bain to 20 months imprisonment to be followed by a 3 year term of supervised release. He was also ordered to make restitution in the amount of \$55,799.30 for the victims of the Conspiracy.

During the period of January 1, 2007, through August 1, 2007, the Defendant, Terry Ray Bain, conspired with two other individuals, Roy William Plummer and Marty Ellis, both of Arizona, to transport in interstate commerce various items of stolen property, including, but not limited to, various trailers, ATV's, commercial welders, commercial generators, light plants and skid steers. The conspirators transported the items so they could be sold in Nebraska with the intention of sharing the profits from the sales. The investigation determined that Marty Ellis would steal most of the equipment from various construction sites and other locations in the Phoenix, Arizona, metropolitan area and transport the stolen property to co-conspirator Plummer's property outside of Phoenix for purposes of storage and getting ready for transport. Eventually, the stolen equipment would be picked up by Bain, Ellis would be paid, and the equipment would be transported to Bain's ranch near Maxwell, Nebraska. Bain would ultimately sell the property to various auction houses, as well as to other individuals in Nebraska. Bain would also keep some of the stolen property for his own personal use.

Based on the investigation, it was determined that three separate trips were made with stolen property from the Phoenix area to the Nebraska area by Bain. The conspiracy was exposed when on July 20, 2007, a trailer full of stolen property being transported by Bain and an employee was involved in an automobile accident in rural Colorado. Upon investigation by Colorado authorities, it was determined that all of the various equipment on the trailer, including the trailer itself, was in fact stolen. Ultimately, this information led the Nebraska State Patrol to execute a search warrant and discover various other stolen pieces of property on Bain's ranch near Maxwell. During the execution of the warrant at Bain's residence, a Marlin .30-30 Winchester rifle was seized. Bain was a convicted felon at the time, after having been previously

convicted in 1998 in the District Court of Brown County, Nebraska for the felony of theft by unlawful taking.

Name of Defendant: Terry Ray Bain

AKA:

Age: 55

City of residence: Maxwell, NE

Crime(s) Charged and Potential Penalty (A CHARGE is merely an accusation and every defendant is presumed innocent until and unless proven guilty): Conspiracy (Not more than 5 years imprisonment, 3 year term of supervised release, \$250,000 fine, both such imprisonment and fine, and a \$100 special assessment); Felon in Possession of a Firearm (Up to 10 years imprisonment, 3 year term of supervised release, \$250,000 fine, both such imprisonment and fine, and a \$100 special assessment).

Specific Location of Alleged Crime:

Location of Arrest:

Alleged Dollar Loss/Type and Quantity of Drug:

Others Charged in Same Scheme: Roy William Plummer and Marty Ellis

Relevant Dates:

Date of Alleged Crime: January 01, 2007 to on or about August 1, 2007

Federal Arrest Date:

Date Complaint Issued:

Indictment Returned Date: Indictment - May 22, 2008
Superseding Indictment January 22, 2009

Initial Appearance Date: Indictment - May 30, 2008
Superseding Indictment - April 15, 2009

Plea or Trial and Date(s): Plea - September 16, 2009

Sentencing Date: May 17, 2010

Next Court Hearing Type and Date: N/A

Assigned Magistrate Judge: Thomas D. Thalken

Held without Bond, or Released from Custody:

In Continuous Custody Since:

Assigned District Court Judge: Laurie Smith Camp

Initials of Assigned AUSA/Preparer of THIS Release: RXM